

Patent Application No. 10/697,419  
Response to Office Action dated  
November 30, 2006

Attorney Docket No. 6704-30

### Remarks

#### Status of the Application

Claims 1, 2, 4, 7-12, 14, 27, and 31-33 were pending in the application at the time the Office Action was mailed. Claims 4 and 14 were objected to but indicated to be allowable. The remainder of the claims were rejected under 35 U.S.C. §112. Upon entry of this amendment, claims 1, 2, 4, 9, 12, 14, and 27 have been amended and no claims have been canceled or added. Accordingly, claims 1, 2, 4, 7-12, 14, 27, and 31-33, as herewith amended, will be pending and before the examiner for consideration.

#### Objections

Claims 4 and 14 were indicated to be allowable if re-written to not depend from a rejected base claim. Each has been amended accordingly.

#### Rejections Under 35 U.S.C. 112

Claims 1-2, 7-12, 27, and 31-33 were again rejected under both the written description and enablement portions of 35 U.S.C. 112. In the Office Action, the examiner states "Applicants need to limit the claim invention by reciting specific genus of bacterial LuxA...." Although applicants do not necessarily agree or acquiesce in these rejections, in order to expedite prosecution of the application, claims 1, 2, 9, 12, and 27, from which the remainder of the rejected claims depend, have been amended to indicate that the bacterial LuxA is from *Photorhabdus luminescens*.

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Conclusion


The claims presented in this amendment are supported throughout the specification, are patentable over the prior art, and do not add new matter. Because entry of this amendment would put the application in full condition for allowance, or at least in better condition for appeal, such entry and allowance is respectfully requested.

The Commissioner is hereby authorized to charge the fee (\$200) for two (2) additional independent claims, as well as any underpayment or credit any overpayment of fees under 37 CFR 1.16 or 1.17 as required by this paper to Deposit Account 50-3110.

The examiner is cordially invited to call the undersigned if clarification is needed on any matter within this response, or if the examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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